

**DOVER PLANNING BOARD
MINUTES OF MEETING
JANUARY 13, 2004**

MEMBERS PRESENT: Beth Thompson, Margaret Stevenson, Allen Schintzius, Dean Trefethen, Dennis Ciotti, Eric Tooke, John Swartzendruber
Ron Cole, Pete Lavoie, Donald Andolina

MEMBERS ABSENT: Anthony McManus, Frank Torr

STAFF PRESENT: Steven Stancel, Planning Director; Chris Parker, City Planner and Jacqueline Freeman, Recording Secretary

Alternates Eric Tooke and Donald Andolina sat on the Board and John Swartzendruber did not sit.

Chairman Cole brought the meeting to order at 7:04 PM

ITEM #1: Election of Officers

Dennis Ciotti nominated Ron Cole for Chairman. He thanked Ron for his efforts and time spent over the last few years calling him the "glue" that holds the Board together.

There were no other nominations for Chairman.

Donald Andolina nominated Tony McManus for Vice-Chairman.

There were no other nominations for Vice-Chairman.

Beth Thompson seconded both the nominations.

VOTE U/A

ITEM #2: Citizens' Forum

There were no speakers.

ITEM #3: Approval of minutes.

Beth Thompson made the motion to approve.

Dennis Ciotti seconded.

VOTE U/A **Abstained – Dean Trefethen, Allen Schintzius**

ITEM #4: Presentation and public hearing regarding settlement, New Meadows, Inc. vs. City of Dover.

Steve Stancel explained that the project was originally approved in 1987 for 600 units; portions of the project were constructed between 1987 and 1999 totaling 264 units. In

March 1999, New Meadows, Inc., submitted a site plan for the remaining 336 units. Because there were zoning changes that were approved earlier in 1999, the City determined that further construction on the project was prohibited. After New Meadows filed suit back in 2003, both sides have worked towards a resolution and settlement. A settlement has been reached. The City was represented by Atty. Timothy Bates from the law firm of Mitchell, Bates Professional Association. The City was also represented by Atty. Chris Boldt from Donahue, Tucker and Ciandella who was present and would go through the details of the settlement.

Atty. Chris Boldt explained the site plan that was presented in 1999 and was rejected. It called for the build out of 13 additional buildings and 336 units. He quoted a recent case out of the Supreme Court of NH called AWL Power, Inc. vs. City of Rochester, which expanded vested right. The Pierces of New Meadows, Inc. were relying heavily on that case.

Atty. Boldt said that Tim Bates was brought in for the litigation of this law suit in case it could not be resolved. He said that they have resolved it and it is much less of an impact. He said that they have a residential build out of 5 buildings for a total of 120 units. The 78 acres is comprised of 3 tax lots and the third most western lot is now a B-4 zone. There are no residential units in that B-4 zone. The New Meadows is allowed 2 commercial pad sites totaling of 40,000 sq. ft. between the two. Additionally, for safety's sake, there is a requirement that a connector road be put in as well as the infrastructure needed to service the entire new construction be put in within 5 years. The New Meadows has up to 15 years to build out that which is shown on the plan. If for some reason either the infrastructure is not put in within 5 years or everything is not built out in 15 years that which is there would be frozen. The other positive for the City is that the existing hiking trail will be extended to Knox Marsh Rd. and the City is given the right to continue the trail on the western parcel as part of future expansion. He said that it is a good compromise. The plan will be coming before the Board in the near future.

Ron Cole welcomed Dean Trefethen as the Council Representative to the Board.

Steve Stancel stated that instead of 336 units there will be only 120 plus the benefit of some economic development which is a positive fiscal impact to the City. This agreement does not exempt New Meadows, Inc. from potential offsite improvements that may need to be put in because of these 120 units.

Don Andolina asked what would happen if the utility road was not completed within 5 years.

Chris Boldt stated that the utility infrastructure must be completed in 5 five years or before the first Certificate of Occupancy. When they come in with the site plan the Board would make sure that the plat has the right seals and whatnot, but if they are in compliance with this agreement, the expectation is that it is approved. That was their part of the bargain.

Don Andolina asked if the 5 year limitation in the utility road supercedes the 15 years.

Chris Boldt answered yes, but it is anticipated that they will be moving forward.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Ron Cole announced that Emerald Woods would not be addressed this evening.

ITEM #5: Consideration and acceptance of an application for a site plan of land for Seacoast Geriatrics, (Owners Business Partners, Inc.) Assessor's Map J, Lots 2-1 & 2-2, zoned R-40, located on Garrison Road.*(P03-69)

Kevin McEneaney represented the applicant and stated that Paul Connolly, with Civil Works would be doing the description of the site work; Mike Lassell, Lassell Architects, would be describing the building and Dr. John Hopkins is the owner and would be running Seacoast Geriatrics. Kevin explained that the building is 21,000 sq. ft. to house a Congregate Care Facility. This use is allowed by Special Exception in the R-40 zone. They went before the ZBA in May and received unanimous approval. The density requirements required 7,500 sq. ft. of land area per unit and that relates to 31.5 units. They are asking for 30 units. Kevin stated that it is a positive for the City in providing a much needed facility in the area and also financially positive as it is a privately run facility and will be fully taxable.

Mike Lassell stated that most of the people who will live there will be 80 and 90 years of age. They won't be driving a car, won't be at the mall being picked up by a van once a week. These will be individuals who are in the later stages of their lives that need to be living in a place that is responsive to their needs, sympathetic to their physical condition and provides them a location that is close to things like their families and their children. This building is directly across from Portsmouth Christian Academy and the building is designed such that they tried to minimize the building footprint view from the road. He said that there is heavy vegetation along both property lines. He said that they will increase the vegetation along the south side. The parking is slanted to minimize the view of the parking. They are placing a berm so coming down Garrison Rd. towards the south, you would see a berm which will be heavily planted and you may see the top of the building. The site and the building are related in a very intricate way. The residents will not be walking out in the street. Their lives will be in the building to a large extent and in different public spaces and green spaces. The land to the right towards the river is currently under a conservation easement. There are controlled outdoor spaces for sitting and exercise. He said that older people tend to forget where they are so the building would be highly secure. The doors would be locked at certain times of the day. The courtyard would also be very secure. There is a very public face which is up front and a very private face in the back to give the individuals the security that they need to have. Mike showed some drawings of the proposed buildings and stated that the front of the

Paul Connolly stated that there are 25 parking spaces provided which is consistent with the requirements of the Zoning Ordinance. One space for every two unit apartment and there are additional spaces provided for the 10 employees on the maximum shift. There is also a loading space and there is a solid waste container site. He said that a sewer line will be extended from a recent subdivision to this site. This facility will generate about 125 gallons per bed per day. He explained the drainage plan. They do intend to put in a treatment swale along the lower side of the proposed retaining wall. He pointed out the wetland that is just beyond 50' where they need to have a retaining wall to hold up the outdoor courtyard. The encroachment into the 50' is about 6 ½ feet. They are asking for a Conditional Use Permit from this Board and they will be going to the Conservation Commission to seek their approval as well.

Dr. John Hopkins, PhD in Public Health stated that he has been in the area for 20 years working at Wentworth Douglass Hospital. He stated that he started the Geriatrics Psychiatry program at Frisbie in 1984. He said that there hasn't been a congregate care project for a couple of years. He stated that he picked 85 years of age because it is the largest growing segment of the population. He stated that they want safety, security, excellent health care and a beautiful place to live. He said that the over 85 don't stay up all night playing loud music and they don't race cars around the neighborhood or leave trash. They are good neighbors. If you live to 85 you probably have 3, 4, or 5 chronic medical conditions, none of which kill you but the sum of which makes for a constricted lifestyle. He said that they are sedentary and quiet people for which hospitality and healthcare is what they want. He said that he has studied the hospitality industry for two years. He stated that it is easier to take care of 50 people in one place, than 50 people in 50 places. This is a highly organized healthcare project in which there are licensed and certified nursing staff around all the time so that the concept that someone is going to dial 911 and all emergency vehicles will be coming on a snowy night just doesn't happen. When you live in a facility like this if you don't feel well, you are seen by the nurse or the person on duty at anytime of night and it's not a 911 call. In the future, with the links that a facility like this would have to your local hospital, it is highly unlikely that there would be a burden on emergency medical services. He said that they pay taxes to the City and they create 20 or 25 well paying jobs with health insurance and they don't use the school system. He passed out a packet of information to the Board. He said that there are many different names for this industry but in the State of NH its Supported Residential Care and is licensed by the Bureau of Health Facilities in Concord as a healthcare facility.

Steve Stancel asked how many beds will be in the 30 units?

Mike Lassell stated that there will be 50 beds. Some of the bedrooms will accommodate 2 beds, the suits can accommodate couples that would share a room and some would have single beds and some would have double beds.

Mr. Hopkins said that there is a wing of the building that he would like to attract couple to. He believes that there are couples who would like to stay together, where both the healthy and the unhealthy person can get a certain degree of services.

Dennis Ciotti asked if the age limitation is 80 or 85 and above. He asked what the state regulations for nursing staff per bed were.

Mr. Hopkins said that the State doesn't require an official age entry. It would be discrimination to not be open to a younger clientele. He said that a person could be age 60 but the body could be age 85. There is no specific age category where you would get a debilitating condition where you can't or don't want to live independently anymore. Dr. Hopkins stated that you cannot come to a facility like this and be bedridden. That would be a nursing home level of care which is above this level of care. He said that the residential care residents require locked storage of medication, nutrition and medical records. They require a staffing pattern and a level of training and continuing education. They are required to have staff but the professional nature of the staff is not specified.

Dean Trefethen asked about the Garrison Road sidewalk.

Kevin McEneaney stated that in the packets there is a plan titled proposed sidewalk plan but it has no sidewalk because there was a question as to what side the sidewalk would be placed on. Just north of Portsmouth Christian Academy there is a sidewalk on Garrison Road that ends at Austin Drive. Austin Drive and Seaborne Drive are almost lined up. The sidewalk on Garrison Road is located on the South side of Garrison which would be the opposite side of where this facility is. There are restrictions on that side of the road moving south towards the site such as fences and significant tree areas on abutting parcels that would cause some disruption in that area. The opposite side of the road would be much easier to construct a sidewalk but it would require a cross walk in the vicinity of the Seaborne Drive area. He said that they went to TRC and came up with three different opinions. They are open to discussion whether it will be on the same side of the road, the opposite side of the road or a donation of the value of constructing the sidewalk. The fourth option was that some of the people at the TRC felt that there was no need for a sidewalk.

Dennis Ciotti asked if there would be financial qualifications for getting into the home.

Dr. Hopkins stated that the facility is a private pay as you go. It is health care and hospitality. He said that long term care insurance is an increasingly useful mechanism for families who have invested in this. There is a public Medicaid rate for assisted living in New Hampshire but it is set artificially and some would say capriciously low in order to keep the nursing home Medicaid high. It seems that the State tries to not spend money on health care. He said that if you worked hard and saved some money, you can't take it with you. He said that in a private pay facility you get what you pay for. In a public facility, you pay the private pay rate which subsidizes the Medicaid rate. Elderly people who need professional healthcare have to spend the money some place. They believe that it is up to the families and the patients to decide where they get the best deal.

Steve Stancel said that looking at the parking lot on a day to day basis it would work but he is wondering what would happen when you have up to 50 beds and 10 employees on a holiday. He asked where overflow parking would be able to park for this particular site.

Dr. Hopkins said that he though that it was in the interest of his application to try to limit the amount of parking spaces. He said that he has met with the regulations by the State to have X number of spots and the expectation of the City that it is desirable to have as few spots as possible. He said that if he has to have a professional meeting, he will have it off site. He agrees that on holidays he will have a full parking lot and he doesn't have a contingency. He said that as often as not, people may come and take their elders out. They won't be hosting big parties.

Paul Connolly suggested a shuttle vehicle to shuttle people from a nearby parking lot such as PCA or someplace where an agreement can be made. He said that in their experience they have never seen the demand exceed the parking provided for on the sites.

Mike Lasell stated that out of 365 days there may be one or two days where they need more parking and 364 days a year you have a large parking lot that is empty. It doesn't make a lot of sense. He said that when there is a need for more parking a shuttle bus could be brought from somewhere else.

Steve Stancel stated that he agrees and they don't want to see it asphalt but there has to be provisions made and he wants to see those in writing.

Ron Cole said that for 1 or 2 or 4 times per year, when something might occur in any instance that he can think of, school would not be in session. He thought that there was sufficient alternative parking in the area that would probably take care of something like this.

Peg Stevenson made the motion to accept the application.

Donald Andolina seconded.

VOTE U/A

The public hearing was opened.

Doug Surina, 133 Garrison Road, stated that he lives directly opposite this site and stated that he likes everything that he heard tonight and the project will be a welcomed addition to the neighborhood. He is a bit concerned with the berm but he still will have a view. With regard to the sidewalk, he understands that the PCA students will volunteer and will go to and from the facility. There was concern when PCA started their running team about traffic on Garrison Rd. and they were trying to get some sort of City support in blocking traffic while the children were jogging or running. He said that there are other streets for parking and the only problem that he sees is walking. There is large vegetation on his side of the street that blocks him from the street so he would rather see the sidewalk on the side of the facility. He said that a person was killed walking on that

road in 1988 and many accidents occurred in the last 5 years, so something needs to be done. Other than that, it's a nice job.

Ron Cole read a letter into the record from Mr. Runey in reference to the project stating that it would be an excellent opportunity for the students to fulfill their community obligations.

Public hearing is closed.

Steve Stancel stated that in the packets there is list of TRC comments and he is suggesting that this item be tabled to allow staff and the applicant to work through the comments and come back before this Board at a future meeting.

Discussion ensued whether there needed to be a scheduled site walk at 10:00 o'clock Saturday morning. After much discussion, it was determined that each member would go to the site individually. Kevin stated that he would flag the corners of the building.

Dennis Ciotti made the motion to table.

Steve Stancel stated that this might not come back in two weeks because they have to go before the Conservation Commission.

Beth Thompson seconded.

VOTE U/A

ITEM #6: Old Business

There was none.

ITEM 7: New Business

There was none.

ITEM #8: Adjournment

Peg Stevenson made the motion to adjourn.

Beth Thompson seconded.

VOTE U/A